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Addendum

Following is a list of the constitutional papers referred to in the statement by the parties on 20 August (S/26337, annex, para. 7), which are reproduced in the present addendum, in the order here indicated:

Agreement relating to Bosnia and Herzegovina

Appendix I:	Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina
Annex A:	
Part I:	The boundaries of the Constituent Republics
Part II:	Areas vested in the Union of Republics of Bosnia and Herzegovina
Annex B: 1/	Composition and competence of the Human Rights Court
Annex C: 1/	Human rights instruments incorporated in the Constitutional Agreement
Annex D: 1/	Initial appointment and functions of the Ombudsmen
Appendix II:	Agreed arrangements concerning the Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina
Part 1:	Names of Republics; Access Authority
Part 2:	A. Sarajevo District; B. Mostar City Opstina; C. Police Forces; D. Protection of human rights and the reversal of ethnic cleansing

Attachment:

A. The outer boundary of Sarajevo District 2/

B. The outer boundary of Mostar City Opstina

Appendix III: Military agreements

Part 1: 3/ 30 July 1993 Agreement for a complete cessation of all combat activities among the parties in conflict

Part 2: 11 August 1993 military agreement for peace in Bosnia and Herzegovina

Appendix I: Target timetable for implementation of this Agreement

Appendix II: Procedures for the Joint Commission

Part 3: Amendments to the 11 August 1993 military agreement for peace in Bosnia and Herzegovina

Appendix IV: 4/ Preliminary agreement between the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina for implementing the 1965 Convention on the Transit Trade of Land-Locked States

Notes

1/ Previously reproduced in document S/26260, appendix I.

2/ Previously reproduced in document S/26337, appendix II.

3/ Previously reproduced in document S/26233, appendix I.

4/ Text previously reproduced in document S/26260, appendix IV.

AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA

THE UNDERSIGNED

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities,

Recalling the Statement of Principles by the International Conference on the Former Yugoslavia at its session in London and the Programme of Action on Humanitarian Issues agreed to at that session,

Considering the decisions of the United Nations Security Council relating to the former Yugoslavia,

Reaffirming their commitment to peace and security among the successor States to the former Yugoslavia,

Hereby agree as follows:

I. Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina

(a) The Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina is set out in Appendix I hereto. It shall enter into force one week after the Security Council has taken into account the present Agreement, has confirmed that the Union of Republics of Bosnia and Herzegovina will continue as a member of the United Nations and has authorized United Nations support for the implementation of the present Agreement.

(b) Agreed arrangements concerning the Constitutional Agreement are set out in Parts 1 and 2 of Appendix II hereto.

II. Termination of the Conflict

The parties reaffirm the Agreement for a Complete Cessation of All Combat Activities signed by their military commanders on 30 July 1993 set out in Part 1 of Appendix III hereto, and the Military Agreement for Peace in Bosnia and Herzegovina signed by their military commanders on 11 August 1993 set out in Part 2 of Appendix III, and decide that the latter shall be amended as set out in Part 3 of Appendix III and shall enter into force on the day after the Security Council has authorized United Nations support for the implementation of the present Agreement.

III. Cooperation in Respect of Humanitarian Efforts

(a) Maximum cooperation shall be extended to the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the United Nations Protection Force, the European Community Monitoring Mission and

other humanitarian organizations working to provide assistance to refugees and displaced persons.

(b) Full cooperation shall also be extended to the United Nations High Commissioner for Refugees in drawing up and implementing programmes for the return of refugees and displaced persons to their homes.

IV. Preliminary Agreement with the Republic of Croatia for implementing the 1965 Convention on the Transit Trade of Land-Locked Countries

As soon as the Constitutional Agreement enters into force, the Union of Republics of Bosnia and Herzegovina shall conclude with the Republic of Croatia the Preliminary Agreement for implementing the 1965 Convention on the Transit Trade of Land-Locked Countries set out in Appendix IV hereto.

DONE in Geneva, this _____ day of August 1993.

A. IZETBEGOVIC	R. KARADZIC	M. BOBAN

Witnessed by:

T. STOLTENBERG	D. OWEN

APPENDIX I

CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

I. The Union of Republics of Bosnia and Herzegovina

Article 1

The Union of Republics of Bosnia and Herzegovina is composed of three Constituent Republics and encompasses three constituent peoples: the Muslims, Serbs and Croats, as well as a group of other peoples. The Union of Republics of Bosnia and Herzegovina will be a member state of the United Nations, and as a member state it shall apply for membership in other organisations of the United Nations system.

Article 2

The flag and emblem of the Union of Republics of Bosnia and Herzegovina shall be specified by a law adopted by the Union Parliament.

Article 3

(a) Citizenship of Bosnia and Herzegovina shall be determined by a law adopted by the Union Parliament.

(b) Every person who on the entry into force of this Constitutional Agreement was entitled to be a citizen of the Republic of Bosnia and Herzegovina shall be entitled to be a citizen of a Constituent Republic as well as of the Union of Republics of Bosnia and Herzegovina.

(c) Dual citizenship shall be allowed.

(d) Decisions about citizenship shall be made by the designated organs of the Constituent Republics, subject to appeal to the competent courts.

Article 4

Neither the Union of Republics of Bosnia and Herzegovina nor any of the Constituent Republics shall maintain any military force, and any forces existing on the date of the entry into force of this Constitutional Agreement shall be progressively disarmed and disbanded under the supervision of the United Nations and the European Community.

II. The Constituent Republics and their Responsibilities

Article 1

(a) The boundaries of the Constituent Republics shall be as set out in Annex A, Part I. Except as provided in (b), the boundaries of the Republics may only be changed by the procedure provided for amending this Constitutional Agreement.

(b) Marginal changes in the boundaries set out in Annex A may be made by the Presidency on the recommendation of a Boundary Commission, which shall receive evidence from those specifically affected by them. The Commission shall consist of five persons appointed by the Secretary-General of the United Nations, of whom three shall be persons recommended by representatives of the three constituent peoples.

(c) The areas specified in Annex A, Part II, even though within the territory and under the jurisdiction of a Constituent Republic, shall be vested in the Union of Republics of Bosnia and Herzegovina, for the purpose of ensuring access by all citizens to buildings of the Union in Sarajevo, to the sea at Neum and to the Sava River.

(d) There shall be no border controls on boundaries between the Constituent Republics, and there shall be free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.

Article 2

(a) Each of the Constituent Republics shall adopt its own constitution, which shall provide for democratic forms of government, including democratically elected legislatures and chief executives and independent judiciaries, as well as for the highest standards of human rights and fundamental freedoms. No provision of these constitutions may be inconsistent with this Constitutional Agreement.

(b) The initial elections in each Constituent Republic shall be supervised by the United Nations and by the European Community.

Article 3

All governmental functions and powers, except those assigned by this Constitutional Agreement to the Union of Republics of Bosnia and Herzegovina or to any of its institutions, shall be those of the Constituent Republics.

Article 4

All acts taken by a competent governmental authority of any of the Constituent Republics shall be accepted as valid by the other Constituent Republics.

III. The Common Institutions of the Union of Republics of Bosnia and Herzegovina

Article 1

(a) The Presidency of the Union of Republics of Bosnia and Herzegovina shall consist of the President, or of an appointee of the legislature, of each of the Constituent Republics.

(b) The Chairmanship of the Presidency shall rotate every four months among the members of the Presidency. The Chairman of the Presidency shall represent the Union of Republics of Bosnia and Herzegovina.

(c) The Presidency shall take all its decisions by consensus.

Article 2

(a) The head of the Council of Ministers of the Union of Republics of Bosnia and Herzegovina shall be the Prime Minister, who shall be appointed and may be removed by the Presidency. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.

(b) The Presidency shall also appoint and may remove a Foreign Minister. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.

(c) The Prime Minister and the Foreign Minister shall be from different Constituent Republics.

(d) Other Ministers may be appointed by the Presidency. They and the Prime Minister and the Foreign Minister shall constitute the Council of Ministers, with responsibility for the policies of the Union of Republics of Bosnia and Herzegovina in relation to foreign affairs, international trade and the functioning of the common institutions, as well as any other functions and institutions that the Union Parliament may from time to time specify by law.

Article 3

(a) The Parliament of the Union of Republics of Bosnia and Herzegovina shall be composed of 120 representatives, one third each to be elected by the respective legislatures of the Constituent Republics.

(b) The Union Parliament may by a simple majority of the members from each Constituent Republic adopt laws within the competence of the Union of Republics of Bosnia and Herzegovina.

Article 4

The Union of Republics of Bosnia and Herzegovina shall have the following courts:

(i) A Supreme Court, composed of four judges appointed by the Presidency, no two of whom shall be from the same peoples, which, except as specified in para. (iii), shall be the final court of appeals from the courts of the Constituent Republics.

(ii) A Constitutional Court, composed of three judges appointed by the Presidency, no two of whom shall be from the same Constituent Republic, which shall be competent to resolve by consensus disputes among the Constituent Republics, between any of these and the Union of Republics of Bosnia and Herzegovina or any of its common institutions, and among any of these institutions. Should the Court not be constituted or be unable to resolve a dispute, it shall be referred for a binding decision by a standing arbitral tribunal composed of judges of the International Court of Justice or members of the Permanent Court of Arbitration, one each of whom shall be selected by

the President of each of the Constituent Republics and two of whom shall be selected by the Presidency or, if it is unable to do so, by the Secretary-General of the United Nations and by the President of the Council of Ministers of the European Community.

(iii) A Court of Human Rights to be established in accordance with Resolution 93(6) of the Committee of Ministers of the Council of Europe, whose precise composition and competence shall be as set out in the agreed Annex B.

Article 5

Joint authorities between two or more of the Constituent Republics may be established by agreement of the Republics concerned if approved by a law adopted by the Union Parliament.

IV. International Relations

Article 1

(a) The Union of Republics of Bosnia and Herzegovina shall apply for membership of European and international institutions and organizations, as decided by the Presidency.

(b) Any Constituent Republic may apply for membership of an international organization if such membership would not be inconsistent with the interests of the Union of Republics of Bosnia and Herzegovina or of either of the other Constituent Republics.

Article 2

(a) The Union of Republics of Bosnia and Herzegovina shall remain a party to all international treaties in force for the Republic of Bosnia and Herzegovina on the date of the entry into force of this Constitutional Agreement, unless the Union Parliament decides that steps to denounce any such treaty shall be taken. However, treaties entered into after 18 November 1990 shall be considered by the Union Parliament within a period of three months from the entry into force of this Constitutional Agreement and shall only remain in force if the Union Parliament so decides.

(b) The Union of Republics of Bosnia and Herzegovina shall continue all diplomatic relations until the Presidency decides to continue or discontinue them.

(c) The Union of Republics of Bosnia and Herzegovina may become a party to international treaties if such participation is approved by the Union Parliament. The Parliament may by law provide for participation in certain types of international agreements by decision of the Presidency. To the extent such participation would involve responsibilities that are to be carried out by the Constituent Republics, their advance approval must be secured, except in respect of the treaties referred to in Article V.3.

(d) Any Constituent Republic may, if eligible, become a party to an international treaty if such participation would not be inconsistent with the interests of the Union of Republics of Bosnia and Herzegovina or of either of the other Constituent Republics.

V. Human Rights and Fundamental Freedoms

Article 1

(a) Subject to Article V.2, all persons within the territory of the Union of Republics of Bosnia and Herzegovina shall be entitled to enjoy the rights and freedoms provided for in the instruments listed in Annex C.

(b) Should there be any discrepancy between the rights and freedoms specified in any of these instruments, or between any of these and the rights and freedoms specified in any other legal provisions in force, the provision providing the greater protection for human rights and fundamental freedoms shall be applied.

Article 2

All courts, administrative agencies and other governmental organs of the Union of Republics of Bosnia and Herzegovina and of the Constituent Republics shall apply and conform to the rights and freedoms specified in the instruments listed in Parts I and IV of Annex C. The rights specified in the instruments listed in Parts II and III of Annex C shall be considered as aspirations to be attained as rapidly as possible; all legislative, judicial, administrative and other governmental organs of the Union and Republican governments shall take these rights appropriately into account in promulgating, executing and interpreting any legislative provisions designed to or otherwise suitable for implementing such rights and in otherwise carrying out the functions of these organs.

Article 3

The Union of Republics of Bosnia and Herzegovina shall as soon as possible become a party to each of the international treaties listed in Annex C.

Article 4

All organs of the Union and Republican governments shall cooperate with the supervisory bodies established by any of the instruments listed in Annex C, as well as with the International Human Rights Monitoring Mission for Bosnia and Herzegovina established by the United Nations.

Article 5

(a) All citizens shall have the right to settle in any part of the territory of the Union of Republics of Bosnia and Herzegovina. They shall have the right to have restored to them any property of which they were deprived in the course of ethnic cleansing and to be compensated for any property which cannot be restored to them.

(b) The Union Parliament, as well as the legislatures of the Constituent Republics, shall enact laws to assist in implementing these rights.

Article 6

To assist in implementing the rights and freedoms specified in this Chapter and in particular in Article V.5(a), ombudsmen shall be appointed and carry out functions initially as specified in Annex D and thereafter as specified in a law adopted by the Union Parliament.

VI. Finances

Article 1

(a) The Union Parliament shall each year, on the proposal of the Prime Minister and with the subsequent approval of the Presidency, adopt a budget covering the expenditures required to carry out only those functions of the Union of Republics of Bosnia and Herzegovina relating to the maintenance of its common institutions and compliance with its international obligations, as well as such other functions as may from time to time be agreed by the Union Parliament.

(b) If no such budget is adopted in due course, the budget for the previous year shall be used on a provisional basis.

Article 2

(a) The expenditures provided for in the budget shall, except to the extent that other revenues are available or as otherwise specified in a law adopted by the Union Parliament, be covered in equal part by each of the Constituent Republics.

(b) Other sources of revenues, such as custom duties, fees for services or taxes on specified activities, may be determined by law.

VII. The Constitutional Agreement

Article 1

(a) This Constitutional Agreement may be amended by decision of the Union Parliament, when such amendment has been approved by each of the Constituent Republics according to its constitutional processes.

(b) No amendment may be adopted that abolishes or diminishes any of the rights or freedoms specified in Chapter V.

Article 2

(a) This Constitutional Agreement may not be abolished and none of the Constituent Republics may withdraw from the Union of Republics of Bosnia and Herzegovina without the prior agreement of all of the Republics. Such a decision may be appealed to the Security Council by any of the Constituent Republics, and the Council's decision shall be final.

(b) Should any of the Constituent Republics withdraw from the Union of Republics of Bosnia and Herzegovina, the areas specified in Annex A, Part II that are within the territory of such Republic shall remain a part of the Union of Republics of Bosnia and Herzegovina.

Article 3

This Constitutional Agreement shall enter into force when approved as part of the over-all peace settlement by representatives of the three constituent peoples, and on a date specified by them.

ANNEX A, PART I

THE BOUNDARIES OF THE CONSTITUENT REPUBLICS

1. The boundaries of the Constituent Republics shall be as indicated on the Map below,* subject to any changes that may be made in accordance with Article II.1(b) of the Constitutional Agreement. The Boundary Commission shall ensure that the territory of the Muslim majority Republic shall not be less than 30% of the entire territory of the Union of Republics of Bosnia and Herzegovina.

2. The road marked on the Map that links Gorazde to Zepa shall constitute part of the Muslim majority Republic, which shall be responsible for its upkeep and policing.

3. As much as possible of the town of Gornji Vakuf shall be in the Muslim majority Republic, subject to the Croat majority Republic retaining road access to Prozor from the north of Gornji Vakuf, and to Novi Travnik along the road running north from the village of Ploca towards the road junction to the north of Bistrica. Construction of new roads may be necessary, and the Special Representative of the UN Secretary-General (SRSG), after appropriate consultations, shall arbitrate in the case of disputes.

4. Similarly, the SRSG shall be charged with arbitrating the boundary between the Muslim majority Republic and the Croat majority Republic where it follows a line drawn south of the river Lasva in Travnik, in order that as many Croatian villages as is feasible are included in the Croat majority Republic.

5. At the request of any Constituent Republic, the Presidency may decide that a religious or cultural building located in another Constituent Republic shall be under the special protection and responsibility of the requesting Republic.

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* To be issued as document S/26337/Add.2.

ANNEX A, PART II

AREAS VESTED IN THE
UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

1. The area defined by the present opstina of Neum, and that part of the present opstina of Stolac that lies below the southern border of the Constituent Republic that extends up through Sarajevo to Brcko on the Sava.

2. That part of the railway line from Tuzla that passes across Brcko to the railway bridge on the Sava.

3. Those public buildings in the city of Sarajevo and in the surrounding area that are designated by the Presidency to be used by the Union Parliament, the Council of Ministers, the Supreme, Constitutional and Human Rights Courts, and the administrative institutions of the Union.

ANNEX B

COMPOSITION AND COMPETENCE OF THE HUMAN RIGHTS COURT

Article 1

The Human Rights Court of Bosnia and Herzegovina (the "Court") shall operate within the framework of the mechanism established by the Council of Europe by Resolution 93(6) of its Council of Ministers, as that Resolution may be amended from time to time.

Article 2

(a) The Court shall initially consist of nine judges.

(b) The Presidency shall appoint four of the judges of the Court, one from each recognized group: Muslims, Serbs, Croats and Others. These judges shall enjoy tenure and shall not require reappointment.

(c) The Committee of Ministers of the Council of Europe shall appoint five of the judges of the Court in accordance with the above-cited resolution. These judges may not be citizens of the Union of Republics of Bosnia and Herzegovina nor of neighbouring States.

(d) If the Court concludes that its business requires the participation of more judges to avoid undue delays in the disposition of cases, the Government shall make arrangements with the Council of Europe for the appointment of additional judges, in accordance with the above-specified proportion of national and foreign judges.

Article 3

(a) The Court shall regulate its own procedures and its organization.

(b) Each panel of the Court is to have the composition specified for the Court in Article 2(b)-(c) of this Annex.

(c) The equality of the parties shall be ensured in every proceeding.

(d) The Court shall allow written and oral pleadings in every proceeding pursuant to Articles 5-7 of this Annex.

Article 4

The competence of the Human Rights Court shall extend to any question concerning a constitutional or other legal provision relating to human rights or fundamental freedoms or to any of the instruments listed in Annex C to the Constitutional Agreement.

Article 5

Any party to a proceeding in which another court of the Union of Republics of Bosnia and Herzegovina or of any of its Constituent Republics has pronounced a judgment that is not subject to any other appeal (for a reason other than the lapse of a time limit for which the moving party is responsible), may appeal such judgment to the Court on the basis of any question within its competence. The decision of the Court on such an appeal shall be final and binding.

Article 6

(a) An appeal may also be taken to the Court if a proceeding is pending for what it considers an unduly long time in any other court of the Union of Republics of Bosnia and Herzegovina or of any of its Constituent Republics.

(b) The Court shall decide whether to accept such an appeal after a preliminary consideration of whether the proceeding in the other court has been pending too long and whether the subject of the appeal is within its competence.

Article 7

Any appellate court of the Union of Republics of Bosnia and Herzegovina or of any of its Constituent Republics may, at the request of any party to a proceeding pending before it, or on its own motion in relation to such a proceeding, address to the Court a question arising out of the proceeding if the question relates to any matter within the competence of the Court. The response of the Court is binding on the requesting court.

Article 8

The Court shall continue to function until the Union of Republics of Bosnia and Herzegovina becomes a party to the European Convention on Human Rights and Fundamental Freedoms, unless the Council of Europe mechanism referred to in Article 1 of this Annex ceases at some earlier date to be in force in respect of the Union of Republics of Bosnia and Herzegovina.

ANNEX C

HUMAN RIGHTS INSTRUMENTS INCORPORATED
INTO THE CONSTITUTIONAL AGREEMENT

A. General Human Rights, especially Civil and Political Rights

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide

2. 1948 Universal Declaration of Human Rights, Articles 1-21

3. 1949 Geneva Conventions I-IV on the Laws of War, and the 1977 Geneva Protocols I-II thereto

4. 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and Protocols 1-10 thereto

5. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto

6. 1965 International Convention on the Elimination of All Forms of Racial Discrimination

7. 1966 International Covenant on Civil and Political Rights and its 1966 and 1989 Optional Protocols thereto

8. 1979 International Convention on the Elimination of All Forms of Discrimination against Women

9. 1981 [UN] Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief

10. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

11. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

12. 1989 Convention on the Rights of the Child

B. Protection of Groups and Minorities

13. 1990 Council of Europe Parliamentary Assembly Recommendation on the Rights of Minorities, paras. 10-13

14. 1992 [UN] Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

C. Economic, Social and Cultural Rights

15. 1948 Universal Declaration of Human Rights, Articles 22-27

16. 1961 European Social Charter and Protocol 1 thereto

17. 1966 International Covenant on Economic, Social and Cultural Rights

D. Citizenship and Nationality

18. 1957 Convention on the Nationality of Married Women

19. 1961 Convention on the Reduction of Statelessness

ANNEX D

INITIAL APPOINTMENT AND FUNCTIONS OF THE OMBUDSMEN

I. GENERAL PROVISIONS

Article 1

(a) The Ombudsmen are to protect human dignity, rights and liberties as provided in the Constitutional Agreement and in the instruments listed in Annex C thereto, and in the constitutions and legislation of the Constituent Republics, and in particular shall act to reverse the consequences of the violations of these rights and liberties and especially of ethnic cleansing.

(b) In carrying out their functions, the Ombudsmen must be guided by law and by the principles of morality and justice.

Article 2

Each Ombudsman shall exercise his functions individually, except as otherwise provided herein. Two or more Ombudsmen may cooperate in carrying out any of their functions.

Article 3

The Ombudsmen are independent in carrying out their functions and no governmental organ or any other person may interfere with such functions.

Article 4

(a) There shall be four Ombudsmen, one from each recognized group: Muslims, Serbs, Croats and Others. Until the Parliament adopts a law relating to the appointment and functioning of the ombudsmen, these shall be appointed and may be removed by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, after consultations with the members of the Presidency.

(b) Each of the Ombudsmen shall, with the approval of the Presidency, appoint one or more Deputies.

(c) The terms of service of the Ombudsmen and their Deputies shall be the same respectively as those of the President and of judges of the Supreme Court.

(d) Each Ombudsman shall also appoint additional staff within the framework of the budget approved therefor by the Parliament or initially by the Presidency.

II. THE COMPETENCE AND THE POWERS OF THE OMBUDSMEN

Article 5

The Ombudsmen may follow the activities of any common institution of the Union of the Republics of Bosnia and Herzegovina or of any organ of a Constituent Republic or of governmental units subordinate thereto, as well as of any other institution or person by whom human dignity, rights or liberties may be negated or ethnic cleansing may be accomplished or its effects preserved.

Article 6

In the course of carrying out his functions an Ombudsman may examine all official documents, including secret ones, as well as judicial and administrative files and require any person (including any official) to cooperate, in particular by transmitting relevant information, documents and files. Ombudsmen may also attend court and administrative hearings, as well as meetings of other organs and enter and inspect any place where persons deprived of their liberty are confined or work.

Article 7

The Ombudsman, their Deputies and any other person who carries out inquiries pursuant to Article 6, are required to maintain the secrecy of whatever they learned in the course of such inquiry, and must treat all documents and files in accordance with the applicable rules.

III. REPORTS OF THE OMBUDSMEN

Article 8

(a) Each Ombudsman shall present an annual report to the Presidency of the Union of Republics of Bosnia and Herzegovina, to the Presidents of each of the Constituent Republics and to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

(b) An Ombudsman may also present at any time special reports to any competent authorities.

IV. REGULATIONS OF THE OMBUDSMEN

Article 9

Each Ombudsman shall draw up, or the Ombudsmen may collectively draw up, Regulations that specify their organisation and the method of exercising their functions, which shall be promulgated in the Official Journal of the Union of Republics of Bosnia and Herzegovina, as well as in the official journals of the Constituent Republics. These Regulations may be changed by a law adopted by the Parliament.

APPENDIX II

AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

PART 1

1. The name of each Constituent Republic will be determined by the competent authorities of that Republic.

2. Access Authority:

(a) Pursuant to Article III.5 of the Constitutional Agreement there shall established, immediately on the entry into force of that Agreement, an Access Authority, charged with assisting in the implementation of Article II.1(d) of the Agreement requiring free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.

(b) The purpose of the Authority will be to guarantee full freedom of movement in certain essential areas between and within the Constituent Republics, and also to and from these Republics to the Republic of Croatia and the Republic of Serbia.

(c) The members of the Authority shall be three persons appointed by the Presidency, one from each Constituent Republic. Its headquarters shall be in or around the city of Sarajevo.

(d) Even though the Authority is to be in operation as soon as possible following the entry into force of the Constitutional Agreement, inevitably there will be an initial period when UNPROFOR will have sole responsibility for freedom of movement along designated "Blue Routes" around Sarajevo and "Throughways" ensuring freedom of movement along the key roads and railway lines throughout the country. Thereafter there will be a period of overlapping responsibility of UNPROFOR and the Authority, during which UNPROFOR's responsibility for the Authority's designated routes will be phased out, and these responsibilities assumed by the traffic police of the Authority. This transfer of responsibility requires the agreement of all members of the Authority. The traffic police will be seconded to the Authority from the police forces of the Constituent Republics.

(e) The following shall be the routes to be controlled by the Access Authority:

(i) The road and railway line from Metkovic on the border of Croatia to the centre of the city of Sarajevo

(ii) The railway from the city of Sarajevo to Doboj and Samac

(iii) The so-called "Una" railway from Bosanski Novi through Bihac southwards to the border of Croatia

(iv) The road from Nevesinje to Mostar airport

(v) The road from Srebrenica to Kladanj

(vi) The road from Gorazde through Cajnice to the border of Montenegro

(vii) Sarajevo Airport

(viii) The so-called "Transit Road" through the south of the city of Sarajevo

(ix) The road between Sarajevo and the crossing point north of Trnovo which gives access to Gorazde

(x) The road between Bosanski Brod (via Derventa, Doboj, Zenica) and Sarajevo

(xi) The road from the border of the Republic of Croatia near Velika Kladusa (via Cazin, Bihac, Kljuc, Jajce, Donji Vakuf) to Mostar

(xii) The road between Donji Vakuf (via Travnik) and Zenica

(xiii) The road from Poplat to Neum

PART 2

A. Sarajevo District

1. For an interim period, specified in paragraph 2 below, there shall be established the Sarajevo District the outer boundary of which shall be as delineated in the attached map. This boundary shall be subject to adjustment by the Boundary Commission in accordance with Article II.1(b) of the Constitutional Agreement. The Commission shall first of all consider the areas Cekrcici, Ratkovci, Catici and Drazevici for inclusion in the Sarajevo District and shall thereafter also consider the inclusion of the opstinas of Kiseljak and Kresevo.

2. The period of UN participation in the governance of the Sarajevo district is planned for two years. The parties commit themselves to finding a permanent solution during this period. The period of UN presence can therefore be shortened if so recommended by the Presidency, it being understood that the participation of the United Nations in the governance of that District shall at all times be as determined by the Security Council of the United Nations.

3. Sarajevo District shall have the governmental functions and powers specified for Constituent Republics in the Constitutional Agreement, except that it shall not be represented in the Presidency. The opstinas within the Sarajevo District shall have those governmental functions and powers that opstinas have under current legislation, subject to the authority of the UN Administrator, to be used only in exceptional circumstances. Laws adopted by the Union Parliament shall apply also within Sarajevo District.

4. Sarajevo District shall be governed by a UN Administrator appointed by the Secretary-General of the United Nations. The UN Administrator shall work under the over-all supervision of the Special Representative of the Secretary-General and in close co-operation with the Joint Commission for the Sarajevo District established by the Military Agreement for Peace in Bosnia and Herzegovina. The UN Administrator shall be advised by an Advisory Body, which shall be composed of 4 representatives of the Muslim people, 3 representatives of the Serb people, 2 representatives of the Croat people, and 1 representative of the District's minorities; the latter shall be nominated by the Co-Chairmen. The Advisory Body shall make its recommendations by consensus.

5. The UN Administrator shall establish courts of first instance and an appellate court in each opstina included in Sarajevo District. Appeals from these courts may be taken to the courts of the Union of Republics of Bosnia and Herzegovina in the same way as appeals from courts of the Constituent Republics.

6. Within Sarajevo District the Boundary Commission shall propose new opstina boundaries, taking into account the following factors:

(a) The boundaries existing on 1 January 1991;

(b) The tentative changes in boundaries that were implemented after 1 January 1991;

(c) The cease-fire line;

(d) Population distribution, as reflected in census figures and other data;

(e) The wishes of those specifically affected, determined by a plebiscite or otherwise;

(f) The views of the Advisory Body and the UN Administrator.

The proposals of the Boundary Commission for the opstina boundaries shall be submitted for decision to the Presidency.

B. Mostar City Opstina

1. For an interim period, specified in paragraph 2 below, there shall be established the Mostar City Opstina, the outer boundary of which shall be as delineated in the attached map. This boundary shall be subject to adjustment by the Boundary Commission in accordance with Article II.1(b) of the Constitutional Agreement.

2. The period of European Community participation in the governance of the Mostar City Opstina is planned for two years. The parties commit themselves to finding a permanent solution during this period. The period of European Community presence can therefore be shortened if so recommended by the Presidency, it being understood that the participation of the European Community in the governance of the Mostar City Opstina shall at all times be as determined by the Council of Ministers of the European Community.

3. Mostar City Opstina, which shall have within it the buildings for the capital of the Croat majority Republic, shall have the governmental functions and powers specified for Constituent Republics in the Constitutional Agreement. The Mostar City Opstina shall have those governmental functions and powers that opstinas have under current legislation, subject to the authority of the EC Administrator, to be used only in exceptional circumstances. Laws adopted by the Union Parliament shall apply also within Mostar City Opstina.

4. Mostar City Opstina shall be governed by an EC Administrator appointed by the President of the European Council. The EC Administrator shall work in close consultation with the Special Representative of the Secretary-General and in close co-operation with the Regional Joint Commission established by the Military Agreement for Peace in Bosnia and Herzegovina. The EC Administrator shall be advised by an Advisory Body, which shall be composed of 3 representatives of the Croat people, 3 representatives of the Muslim people, 2 representatives of the Serb people, and 1 representative of the City's minorities; the latter shall be nominated by the Co-Chairmen. The Advisory Body shall make its recommendations by consensus.

5. The EC Administrator shall establish courts of first instance and an appellate court in the Mostar City opstina. Appeals from these courts may be taken to the courts of the Union of Republics of Bosnia and Herzegovina in the same way as appeals from courts of the Constituent Republics.

6. Mostar City Opstina shall be demilitarized under the arrangements of a Regional Joint Commission in accordance with the Military Agreement for Peace in

Bosnia and Herzegovina. UNPROFOR and all other UN agencies shall operate in the City as in the rest of the country.

C. Police forces

1. Each existing or new opstina in the Sarajevo District shall organize and control its own uniformed police force, which shall have a proportionally balanced ethnic composition and shall be subject to supervision by the UN Administrator.

2. Each Constituent Republic shall organize and control its own uniformed police force, which shall have a proportionally balanced ethnic composition. Any necessary coordination shall be the responsibility of the Presidency.

3. The parties understand that as part of the UNPROFOR deployment in Bosnia and Herzegovina there is to be a large civilian police element, whose principal task will be to monitor the police of the Constituent Republics and of the opstinas in the Sarajevo District, so that each: has an appropriately balanced ethnic composition; does not oppress members of minority ethnic groups; contributes positively to the reversal of "ethnic cleansing" by protecting persons returning after having been forced to flee; carries out the judgements of courts, in particular the Human Rights Court; assists the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors; and that the numbers and equipment of the police are in keeping with normal European standards.

D. Protection of human rights and the reversal of ethnic cleansing

1. The right is established of a refugee or displaced person to freely return as part of an overall process of normalisation. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as wholly null and void.

2. The parties understand that there is to be an International Human Rights Monitoring Mission, to be established by the Secretary-General of the United Nations, which is to be headed by a Human Rights Commissioner for Bosnia and Herzegovina based in Sarajevo. Deputy Commissioners are to be based in various parts of the country. The Commissioner is to be supported by international human rights monitors, deployed throughout the territory of the Union of Republics of Bosnia and Herzegovina; in order to provide protection in urgent cases, they may intercede with the Presidency and the governments of the Constituent Republics, with the Administrator of Sarajevo District and with UNPROFOR; they may refer issues to the ombudsmen and to other human rights agencies as needed and are to work closely with the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and other humanitarian agencies. The Commissioner is expected to submit regular reports to the Secretary-General, who is to report periodically to the Security Council and to other international bodies, including the United Nations Commission on Human Rights and its Special Rapporteur.

ATTACHMENT

A. THE OUTER BOUNDARY OF THE SARAJEVO DISTRICT

The outer boundary of the Sarajevo District shall be as indicated on the Map below, subject to any changes that may be made in accordance with paragraph A.1 of Part 2 of the present Appendix.

B. THE OUTER BOUNDARY OF THE MOSTAR CITY OPSTINA

The outer boundary of the Mostar City Opstina shall be as indicated on the Map below, subject to any changes that may be made in accordance with paragraph 1 of Part 2 of the present Appendix.

APPENDIX III

MILITARY AGREEMENTS

PART 1

AGREEMENT
FOR A COMPLETE CESSATION OF ALL COMBAT ACTIVITIES
AMONG THE PARTIES IN CONFLICT
OF 30 JULY 1993

THE UNDERSIGNED MILITARY COMMANDERS, as representatives of their respective Parties in conflict,

Respecting the recent decisions of their commanders-in-chief in Geneva, made under the auspices of the International Conference on the Former Yugoslavia,

Mindful of their obligations under relevant Security Council resolutions, including to ensure UNPROFOR's safety and freedom of movement,

Recognizing the absolute urgency of the present situation and pledging their full efforts to see that this Agreement is honoured,

HAVE AGREED as follows:

ARTICLE I

CESSATION OF ALL COMBAT ACTIVITIES

1. Beginning upon signature of this Agreement, all forces of the three Parties shall cease firing and shall freeze all military activities, including military movements, deployments of forces and establishment of fortifications.

2. Written orders mandating such cessation of combat activities shall be issued, as soon as possible following signature of this Agreement, by each of the undersigned military commanders.

ARTICLE II

HUMANITARIAN AID AND FREEDOM OF MOVEMENT

Written orders shall be issued by the undersigned military commanders, as soon as possible following signature of this Agreement, permitting:

(a) free passage for UNPROFOR;

(b) free passage for UNPROFOR convoys and convoy escorts, subject to routine control of numbers of personnel and weapons entering and leaving territory under the control of a Party; and

(c) free passage for humanitarian aid convoys, subject to reasonable control of the contents and personnel that are part of the convoy at one checkpoint.

UNPROFOR acknowledges that each Party has legitimate concerns over movements within territories under its control. UNPROFOR shall provide notification of convoy movements.

ARTICLE III

VERIFICATION OF COMPLIANCE WITH THIS AGREEMENT

1. The undersigned military commanders shall confirm to UNPROFOR the issuance of orders required by this Agreement, and their acknowledgement by subordinate commanders. Full assistance shall be extended to UNPROFOR to permit it to monitor the implementation of this Agreement. UNPROFOR officers in the field may be consulted to provide assistance in implementation of this Agreement.

2. The undersigned military commanders, or their authorized representatives, shall continue to meet daily at a specified time while their commanders-in-chief are meeting in Geneva or, when necessary, on the request of any of the Parties. In accordance with the recommendation made in Geneva by the commanders-in-chief of the Parties, the draft "Military Agreement on the Cessation of Hostilities" shall be discussed among other issues.

3. For urgent matters, the military commanders shall make available through reliable communications on a 24-hour a day basis, a representative who is authorized to take decisions or reach those with such authority.

THIS AGREEMENT, done pursuant to the decisions of the commanders-in-chief of the Parties in Geneva, shall enter into force upon its signature.

DONE AT Sarajevo Airport, on the 30th day of July, 1993, in two versions, one in English and the other in the language of the Parties. Where there are differences of interpretation between the versions, the English version shall control.

SIGNED:

GEN Rasim Delic LT GEN Ratko Mladic GEN Milivoj Petkovic

UNPROFOR WITNESSES:

GEN Jean Cot
Force Commander

LT GEN Francis Briquemont
Commander, B-H Command

PART 2

MILITARY AGREEMENT
FOR PEACE IN BOSNIA AND HERZEGOVINA

THE UNDERSIGNED MILITARY COMMANDERS, as representatives of the Parties in Conflict,

Pursuant to Section II of the Agreement Relating to Bosnia and Herzegovina to be concluded in Geneva,

Desiring to work out arrangements for bringing about compliance with a cessation of hostilities, and for monitoring it so as to ensure that it is effective and lasting,

HEREBY AGREE AS FOLLOWS:

ARTICLE I

MEASURES FOR COMPLIANCE

1. The Parties shall comply in good faith with all provisions in this Agreement. If a dispute arises, UNPROFOR shall be notified and may make a determination on the merits of the dispute.

2. The Parties shall adhere to the Target Time-table for implementing this agreement, attached as Appendix I, except when UNPROFOR deems that changes are necessary.

3. The Parties shall fully support monitoring and control measures to verify compliance with this Agreement, including:

(a) establishment of the Joint Commission, which shall operate in accordance with the procedures set out in Appendix II;

(b) establishment of Regional Joint Commissions, which shall operate in accordance with the procedures set-out in Appendix II;

(c) establishment of "hot lines" between commanders in conflict areas, and between commanders and UNPROFOR;

(d) ensuring military observers full freedom of movement and access to military installations; and

(e) monitoring and movement by helicopter, in accordance with clearance arrangements to be determined by the Joint Commission.

ARTICLE II

SEPARATION OF FORCES

1. Principles for Initial Separation of Forces

(a) Separation of forces shall be achieved progressively and shall include monitoring by UNPROFOR of infantry and heavy weapons on both sides of confrontation lines, that are within range of the confrontation lines.

(b) The concepts of separation of forces and withdrawal of heavy weapons shall be linked. Heavy weapons shall be defined as weapons having a calibre of 12.7 or more millimeters.

(c) Details of implementation, including items "to be agreed", shall be resolved in the Joint Commissions.

(d) Special priority shall be given to Sarajevo.

2. Ceasefire

In accordance with Article I of the Agreement for a Complete Cessation of All Combat Activities of 30 July 1993, the forces of the Parties shall:

(a) cease firing and make no offensive actions;

(b) freeze their positions on existing lines;

(c) make no forward deployments of personnel or materiel. Rotations of units shall be permitted on a one-for-one basis, under UNPROFOR monitorirg; and

(d) make no establishment or enhancement of fortifications.

3. Declaration of Forces

The Parties shall provide to UNPROFOR the following information:

(a) numbers and locations of all heavy weapons that are within range of the confrontation lines;

(b) maps and other detailed documentation on all mines, that surround or are within the confrontation lines;

(c) traces depicting the position of front lines;

(d) positions and descriptions of fortifications; and

(e) positions and numbers of soldiers.

4. Withdrawal of Forces

(a) UNPROFOR, in consultation with the Joint Commission, shall mark the confrontation lines.

(b) The forces of the Parties shall withdraw, in a balanced manner but one that is consistent with their different composition. The manner and extent of withdrawal shall be worked out by UNPROFOR, in consultation with the Joint Commission.

(c) The Areas of Separation shall be increased over time by the continued withdrawal of the forces of the Parties to their respective regions, in consultation with UNPROFOR in the Joint Commission. As this progressive withdrawal takes place, a number of units shall demobilize. UNPROFOR, in consultation with the Joint Commission, shall monitor the process of agreed demobilization.

(d) The forces of the Parties shall be prohibited from entering the Areas of Separation, except while conducting joint patrols with UNPROFOR or clearing mines. Areas of Separation shall be open to civilian movement, under UNPROFOR control.

5. Withdrawal of Heavy Weapons

(a) In accordance with locations and a time schedule to be agreed within the Joint Commission, the heavy weapons of the Parties shall be withdrawn from their current positions and concentrated in new locations. Such locations shall be agreed in light of their suitability for monitoring and the range of the heavy weapons.

(b) UNPROFOR shall monitor the process of withdrawal. Heavy weapons that are withdrawn to locations that are out of range of positions of the other Parties shall be monitored by UNPROFOR; heavy weapons that remain within range of such positions shall be controlled by UNPROFOR.

(c) Ammunition shall be stored and monitored separately from heavy weapons. The distance between ammunition and heavy weapons shall be agreed within the Joint Commission.

6. Confinement of Infantry to Barracks

As selected infantry forces are withdrawn from the lines of confrontation, a number of such forces, to be determined by UNPROFOR in consultation with the Joint Commission, shall be confined to barracks.

7. Clearing mines

Designated units of the Parties shall, within areas of separation and elsewhere, clear all mines they have laid, in accordance with mutual agreement in the Joint Commission.

ARTICLE III

MONITORING OF BORDERS

1. The borders of the Union of Republics of Bosnia and Herzegovina shall be monitored in accordance with the agreement of the political representatives of all Parties and relevant Security Council resolutions.

ARTICLE IV

RESTORATION OF INFRASTRUCTURE

1. Principles for Restoration of Infrastructure

   (a) Interfering with the supply of water, gas, or electricity as a weapon or means of pressure is unacceptable. Infrastructure shall not be attacked or degraded in any way, and shall not be used for any military purpose.

   (b) Restoration of infrastructure shall not be conditioned on implementation of the military provisions in this Agreement or of other provisions in the Agreement Relating to Bosnia and Herzegovina.

   (c) Infrastructure shall be restored for the benefit of all civilians, irrespective of ethnic origin, and shall be reestablished across international borders, in accordance with agreements reached by the civil authorities.

   (d) UNPROFOR and other international agencies, as appropriate, may provide guidance and assistance in restoration of infrastructure.

   (e) Special priority shall be given to restoration of infrastructure for all the citizens of Sarajevo.

2. Identifying Priorities and Making Repairs

   (a) The Infrastructure Management Group, composed of representatives of each Party, shall identify infrastructure repair priorities according to needs, local resources and the resources of aid agencies. Repairs shall be executed in conjunction with civilian authorities and relevant local agencies of all Parties.

   (b) The Parties shall provide and fulfil guarantees of security to make such repairs. Access shall be guaranteed by the Parties.

   (c) Parties shall provide access to infrastructure sites consistent with security. Parties shall provide liaison repair teams, after local agreement by joint committees. A common instruction for passage down chains of command shall be developed to demonstrate equal endorsement of support for restoration of infrastructure and to allow free access for reconnaissance, workers and expert teams.

3. Infrastructure sites shall included:

(a) Power grids;

(b) Steam power stations, coal mines, and hydroelectric power stations;

(c) Bridges;

(d) Gas lines;

(e) Telecommunications;

(f) Railway lines;

(g) Routes; and

(h) Water supply.

ARTICLE V

PROVIDING FREEDOM OF MOVEMENT

1. Principles for Freedom of Movement

(a) UNPROFOR and international humanitarian organizations, especially aid convoys, shall have freedom of movement and priority use of roads and transportation facilities. UNPROFOR may provide escort for convoys and other vehicles as it deems necessary.

(b) The Parties shall ensure the security and freedom of movement of civilian and commercial traffic. Special attention shall be paid to ensure a traffic throughway to the Bihac area, and right of passage to enclaves in Eastern Bosnia, and access to commercial ports on the Adriatic.

(c) In consultation with the Joint Commission, UNPROFOR may monitor, patrol and establish checkpoints to enhance freedom of movement. UNPROFOR may conduct joint patrols with each Party on the territory that it controls.

2. Special Measures to Open Specified Routes

As a first step in establishing freedom of movement, special measures shall be taken to open the routes specified in paragraph 3 of this Article. Such measures shall be agreed upon in joint commissions and shall include the following:

(a) UNPROFOR may conduct recces and facilitate repairs;

(b) military movements of the Parties shall be permitted only in coordination with UNPROFOR, as well as with the commanders of the Parties;

(c) UNPROFOR shall maintain a heightened presence, including establishing checkpoints at the entrance and exit of such routes and elsewhere where it deems its presence necessary in order to ensure safe passage;

(d) UNPROFOR may conduct inspections at UNPROFOR checkpoints and seize war-related materials carried during unauthorized movements. The Parties may be present during such inspections; and

(e) A corridor extending 500 meters to the left and right of the specified routes shall be demilitarized, in accordance with measures agreed by the Joint Commission.

3. Routes with Special Measures shall be established between or to the following destinations:

(a) The road and railway line from Metkovic on the border of the Republic of Croatia to the centre of the city of Sarajevo.

(b) The road from Sarajevo city to Zenica, via Rajlovac-Ilijas-Visoko.

(c) The road and railway from the city of Sarajevo to Samac via Doboj, and from Doboj to Tuzla.

(d) The road from Bihac to Livno.

(e) The road from Nevisinje to Mostar.

(f) The road from Zepa/Srebrenica to Kladanj.

(g) The road from Visegrad to Sarajevo via Gorazde and Pale.

(h) The road from Stolac to Trebinje via Ljubinje.

(i) The Road from Doboj to Teslic.

(j) Sarajevo Airport.

(k) Banja Luka Airport.

(l) Tuzla Airport.

(m) Mostar Airport.

THIS AGREEMENT:

(a) shall enter into and remain in force in accordance with the Agreement Relating to Bosnia and Herzegovina to be concluded in Geneva; and

(b) shall supersede and replace the Agreement for Peace in Bosnia and Herzegovina set out in Appendix III to the Agreement to be concluded in Geneva.

DONE AT Sarajevo Airport, on the eleventh day of August, 1993, in two versions, the English version being the authentic one.

SIGNED:

GEN RASIM DELIC

LT GEN RATKO MLADIC

GEN MILIVOJ PETKOVIC

LT GEN FRANCIS BRIQUEMONT

APPENDIX I

TARGET TIME-TABLE FOR IMPLEMENTING THIS AGREEMENT

D DAY = Seven days after midnight of the day the Agreement Relating to Bosnia and Herzegovina is signed in Geneva.

PHASE ONE: D - 7 to D Day

Cessation of All Combat Activities, in accordance with the Agreement of 30 July 1993, continues to be observed.

PHASE TWO: D DAY to D + 7

1. Full Ceasefire observed (Article II, paragraph 1.)

2. Declaration of forces provided (Article II, paragraph 2.)

3. Joint Commissions, hot lines, and other monitoring and control measures established (Article I.)

4. Principles for Freedom of Movement observed (Article V, paragraph 1.)

PHASE THREE: D + 8 to D + 29

1. Lines of confrontation marked (Article II, paragraph 4(a).

2. Infrastructure restoration begins. (Article IV)

3. Routes with Special Measures to Ensure Safe Passage are opened (Article V, paragraphs 2 and 3.)

4. Withdrawal of Forces and Heavy Weapons begins (Article II, paragraphs 4(b) and 4(d), and Article II.)

5. Confinement of Infantry to Barracks begins (Article IV, paragraph 6.)

6. Monitoring of Borders begins (Article III.)

PHASE FOUR: D + 29 to D + 60

Continued withdrawal of forces to their respective regions. Demobilization of units. Area of Separation expanded (Article II, paragraph 4(c).)

APPENDIX II

PROCEDURES FOR THE JOINT COMMISSION

1. The Joint Commission shall operate under the chairmanship of UNPROFOR. Each Party shall designate the representative of its choosing, whether civil or military, to the Joint Commission. Deputies and assistants, civilian or military, may be present to assist their representative.

2. Other than authorized members of each delegation, meetings of the Joint Commission shall be closed. Media may be present only by express agreement of each Party.

3. Each Party's representative shall be authorized to act fully on behalf of that Party and to take decisions with respect to implementation of this Agreement.

4. The Joint Commission shall meet when and where UNPROFOR decides, in consultation with the Parties.

5. Decisions of the Joint Commission shall be taken by consensus. UNPROFOR may decide certain matters that it deems principally within its competence, in consultation with the concerned Parties.

6. UNPROFOR shall report on the proceedings of the Joint Commission to the United Nations, through the Special Representative of the Secretary-General for the Former Yugoslavia.

7. These procedures shall guide the operation of Regional Joint Commissions and other implementing bodies. Amendments to these procedures may be made by UNPROFOR in consultation with the Parties.

PART 3

AMENDMENTS TO THE 11 AUGUST 1993 MILITARY AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA

The Military Agreement for Peace in Bosnia and Herzegovina, which was concluded by the military commanders of the parties in Sarajevo on 11 August 1993 and which is set out in Part 2 of the present Appendix, is hereby amended as follows:

1. Article I, sub-paragraph 3(b), to read as follows:

(b) establishment of a Joint Commission for the Sarajevo District and other Regional Joint Commissions, which shall operate in accordance with the procedures set out in Appendix II;

2. Article II, sub-paragraph 4(c), to read as follows:

(c) The Areas of Separation shall be increased over time by the continued withdrawal of the forces of the Parties to their respective regions, in consultation with UNPROFOR in the Joint Commission. As this progressive withdrawal takes place, a number of units shall demobilize. Sarajevo District and Pale Opstina shall be demilitarized. UNPROFOR, in consultation with the Joint Commission, shall monitor the process of agreed demobilization and demilitarization.

3. Entry-into-Force Clause: delete paragraph (b).

4. Appendix I, first paragraph, to read as follows:

D Day = Seven days after midnight (New York time) of the day on which the Security Council approves the arrangements implementing the Military Agreement of 11 August, as amended.

APPENDIX IV

PRELIMINARY AGREEMENT BETWEEN THE REPUBLIC OF CROATIA AND THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA FOR IMPLEMENTING THE 1965 CONVENTION ON TRANSIT TRADE OF LAND-LOCKED STATES

The Republic of Croatia
and
The Union of Republics of Bosnia and Herzegovina

Considering that, as successors of the Socialist Federal Republic of Yugoslavia which had been party to the Convention on Transit Trade of Land-Locked States concluded in New York on 8 July 1965 (hereinafter the "Convention"), the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina should apply between them the provisions of the Convention,

Further considering that the Union of Republics of Bosnia and Herzegovina is to be considered a "land-locked State" within the meaning of that Convention and that with respect to Bosnia and Herzegovina the Republic of Croatia is a "transit State" within the meaning of the Convention,

Desiring to conclude an agreement, on a basis of reciprocity -- in accordance with Article 3(1)(a) of the Convention on the High Seas quoted in the Preamble of the Transit Trade Convention and with Article 15 of that Convention -- to establish, as foreseen in paragraph 2 of Article 2 of the Convention, the rules governing traffic in transit and the use of means of transport passing across Croatian territory between the territory of the Union of Republics of Bosnia and Herzegovina and the Adriatic Sea, and when passing across territory of the Union of Republics of Bosnia and Herzegovina in transit between places of entry and exit which are both on Croatian territory, as well as to regulate other matters foreseen in the Convention.

HEREBY AGREE AS FOLLOWS:

Article 1

(a) Freedom of transit under the terms of this Preliminary Agreement shall be granted to both Parties on the basis of reciprocity.

(b) The Croatian ports of Ploce and Rijeka are designated as those to which the Union of Republics of Bosnia and Herzegovina is to have access, as foreseen in the Convention, and the routes, by road and as appropriate by rail, between Ploce and Sarajevo and between Rijeka and Bihac are the ones as to which special rules are to be adopted.

(c) The roads on the territory of the Union of Republics of Bosnia and Herzegovina:

(i) between the Croatian border near Velika Kladusa (via Cazin, Bihac, Kljuc, Jajce, Donji Vakuf, Bugonjo, Jablanica and Mostar) and the Croatian border on the south, as well as the road between Donji Vakuf

(via Travnik) and Zenica where this road links with the road under (ii) below;

(ii) between Bosanski Brod (via Dervanta, Doboj, Zenica, Sarajevo and Mostar) and the Croatian border on the south;

shall be the ones to which the freedom of transit, in accordance with the Convention, shall be granted to the Republic of Croatia.

(d) The same freedom of transit shall be granted to the Republic of Croatia on the so-called "Una railway line" on the territory of the Union of Republics of Bosnia and Herzegovina between Bosanski Novi (via Bihac) and the Croatian border on the south in the direction of Knin.

(e) The reference to specific ports of Croatia and the roads and the railway line within the Union of Republics of Bosnia and Herzegovina, and specific points of entry from Croatia and the Union of Republics of Bosnia and Herzegovina and from Bosnia and Herzegovina to Croatia, are not intended to exclude the facilitation by both states of transit trade through other ports or points of entry.

Article 2

The parties shall immediately start negotiating, with a view to concluding by 1 December 1993, an agreement relating to all aspects of the implementation of the Convention and this Preliminary Agreement, covering in particular the following subjects:

1. Specification of the primary routes, by road as well as by rail, from the ports to the cities specified in Article 1(a);

2. Rules governing the means of transport over the routes and the railroad specified in Article 1 (Art. 2(2) of the Convention);

3. Facilities existing, or to be built, within the specified ports that are to be specially dedicated to traffic of the Union of Republics of Bosnia and Herzegovina might be permitted to operate and develop with the consent of the Republic of Croatia;

4. Possible imposition of special transit dues, tariffs or charges (Arts. 3 and 4 of the Convention);

5. Special customs and other measures to facilitate transit trade (Art. 5 of the Convention);

6. Conditions of storage of goods in transit (Art. 6 of the Convention);

7. Possible establishment of free zones in the designated ports (Art. 8 of the Convention);

8. Exceptions on grounds of public health, security and protection of intellectual property (Art. 11 of the Convention);

9. Exceptions in case of emergency (Art. 12 of the Convention);

10. Application of the Agreement in time of war (Art. 13 of the Convention);

11. Settlement of disputes pursuant to Article 16 of the Convention.

Article 3

Pending the conclusion of the agreement referred to in Article 2, the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina shall facilitate, as far as it is possible, their mutual transit trade, as defined in this Agreement.

DONE this _____ day of _____ 1993, in _____, in three copies, each in the English, Croatian and Serbian languages, which shall be equally authentic.